

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 WILLIAM H. MORGAN,

8 Plaintiff,

9 v.

10 SENTRY INSURANCE COMPANY  
11 LLC, et al.,

12 Defendant.

NO: 2:16-CV-286-RMP

ORDER DISMISSING SECOND  
AMENDED COMPLAINT

13 BEFORE THE COURT is Plaintiff's Second Amended Complaint, ECF No.  
14 20. The Court ordered that Plaintiff's Complaint be filed without payment of the  
15 filing fee due to Plaintiff's meeting the requirements to proceed *in forma pauperis*.  
16 ECF No. 6. The Court previously determined that Plaintiff's initial Complaint, ECF  
17 No. 1; Construed Amended Complaint, ECF No. 8; and his First Amended  
18 Complaint, ECF No. 13, all failed to state a plausible legal claim, but due to  
19 Plaintiff's status as a pro se litigant, the Court granted leave to file another Amended  
20 Complaint. *See* ECF Nos. 12 and 19.

1 On January 19, 2017, the Court stated in unambiguous terms that, “Plaintiff  
2 may file a Second Amended Complaint within thirty (30) days of the date of this  
3 Order. Should Plaintiff fail to do so, the Court will dismiss this case **WITH**  
4 **PREJUDICE.**” ECF No. 19 at 10. Plaintiff did not file anything within that  
5 timeframe and only filed a Second Amended Complaint on March 7, 2017. Based  
6 on the untimely filing of Plaintiff’s Second Amended Complaint, this case could be  
7 dismissed. However, the Court has reviewed Plaintiff’s Second Amended  
8 Complaint as if Plaintiff had met the Court’s deadline.

9 The Court liberally construed Plaintiff’s First Amended Complaint and  
10 detailed in its Order the ways in which the First Amended Complaint was legally  
11 insufficient. Despite having been given those guidelines, Plaintiff has refiled the  
12 same deficient claims,<sup>1</sup> but with a two-page introduction that alleges wrongdoing by  
13 various “Officers in the Court.” ECF No. 20 at 2-3.

14 Pursuant to 28 U.S.C. § 1915(e)(2), the Court must dismiss a case if “the  
15 action or appeal: (i) is frivolous or malicious; (ii) fails to state a claim on which  
16 relief may be granted; or (iii) seeks monetary relief against a defendant who is  
17 immune from such relief.” The Court previously dismissed Plaintiff’s First  
18 Amended Complaint pursuant to subsection (ii) of 28 U.S.C. § 1915(e)(2) for failing

---

19  
20 <sup>1</sup> One page of the First Amended Complaint appears to have been accidentally  
21 omitted from the Second Amended Complaint.

1 to state a claim. *See* ECF No. 19. The Court’s previous analysis remains unchanged  
2 regarding the claims that Plaintiff simply refiled in his Second Amended Complaint.

3 The Court finds that Plaintiff’s Second Amended Complaint, even with his  
4 minor additions, fails to address the deficiencies previously identified by the Court  
5 and fails to state a viable legal claim. Furthermore, Plaintiff still fails to establish  
6 either diversity jurisdiction or federal question jurisdiction in this Court. Plaintiff  
7 states that this is his “Last Attempt.” ECF No. 20 at 24. If Plaintiff seeks to amend  
8 his complaint to identify viable legal claims and subject matter jurisdiction in this  
9 Court, he should file his Third Amended Complaint within thirty days of the date of  
10 this Order, or his case will be closed.

11 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff’s Second Amended  
12 Complaint, **ECF No. 20**, is **DISMISSED with leave to amend**.

13 The District Court Clerk is directed to enter this Order, to set a 30 day case  
14 management deadline, and to provide copies of this Order to counsel and pro se  
15 Plaintiff.

16 **DATED** May 19, 2017.

17  
18 *s/ Rosanna Malouf Peterson*  
19 ROSANNA MALOUF PETERSON  
20 United States District Judge  
21